



United States of America
National Labor Relations Board
NOTICE OF ELECTION



INSTRUCTIONS TO EMPLOYEES VOTING BY U.S. MAIL

PURPOSE OF ELECTION: This election is to determine the representative, if any, desired by the eligible employees for purposes of collective bargaining with their employer. (See VOTING UNIT in this Notice of Election for description of eligible employees.) A majority of the valid ballots cast will determine the results of the election. Only one valid representation election may be held in a 12-month period.

SECRET BALLOT: The election will be by secret ballot carried out through the U.S. mail under the supervision of the Regional Director of the National Labor Relations Board (NLRB). A sample of the official ballot is shown on the next page of this Notice. Voters will be allowed to vote without interference, restraint, or coercion. Employees eligible to vote will receive in the mail *Instructions to Employees Voting by United States Mail*, a ballot, a blue envelope, and a yellow self-addressed envelope needing no postage.

ELIGIBILITY RULES: Employees eligible to vote are those described under the VOTING UNIT on the next page and include employees who did not work during the designated payroll period because they were ill or on vacation or temporarily laid off. Employees who have quit or been discharged for cause since the designated payroll period and who have not been rehired or reinstated prior to the date of this election are not eligible to vote.

CHALLENGE OF VOTERS: An agent of the Board or an authorized observer may question the eligibility of a voter. Such challenge must be made at the time the ballots are counted.

AUTHORIZED OBSERVERS: Each party may designate an equal number of observers, this number to be determined by the NLRB. These observers (a) act as checkers at the counting of ballots; (b) assist in identifying voters; (c) challenge voters and ballots; and (d) otherwise assist the NLRB.

METHOD AND DATE OF ELECTION

The election will be conducted by United States mail. The ballots will be mailed to employees employed in the appropriate collective-bargaining unit at 4:30 p.m. on Monday, March 27, 2017, from the National Labor Relations Board, Region 21, 888 South Figueroa Street, Ninth Floor, Los Angeles, California, 90017. Voters must sign the outside of the envelope in which the ballot is returned. Any ballot received in an envelope that is not signed will be automatically void.

Those employees who believe that they are eligible to vote and did not receive a ballot in the mail by Monday April 3, 2017, should communicate immediately with the National Labor Relations Board by either calling the Region 21 Office at (213) 894-5254 or our national toll-free line at 1-866-667- NLRB (1-866-667-6572).

All ballots will be commingled and counted at the National Labor Relations Board, Region 21, San Diego Resident Office, located at 555 West Beech Street, Room 418, San Diego, California 92101 on Tuesday, April 11, 2017 at 10:00 a.m. In order to be valid and counted, the returned ballots must be received in the San Diego Resident Office prior to the counting of the ballots.

WARNING: This is the only official notice of this election and must not be defaced by anyone. Any markings that you may see on any sample ballot or anywhere on this notice have been made by someone other than the National Labor Relations Board, and have not been put there by the National Labor Relations Board. The National Labor Relations Board is an agency of the United States Government, and does not endorse any choice in the election.



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National Labor Relations Board



NOTICE OF ELECTION

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VOTING UNIT

EMPLOYEES ELIGIBLE TO VOTE:

Those eligible to vote are: All full-time, regular part-time, and per diem Registered Nurses (RN) employed in, or who perform the duties of, the following Registered Nurse classifications: (Primary Care) RN, RN-Triage, GI RN, CT/MRI RN, Ophthalmology RN, UC RN, SHC Health Management RN, Case Manager RN, Diabetes Specialist Educator RN, Cardio RN, and Pacemaker Clinic RN; employed by the Employer at Sharp Rees-Stealy (SRS) operations in San Diego County, including: 1) SRS Administration, 2) SRS Carmel Valley, 3) SRS Chula Vista, 4) SRS Chula Vista Urgent Care, 5) SRS Del Mar, 6) SRS Downtown, 7) SRS Downtown Urgent Care, 8) SRS El Cajon, 9) SRS Frost Street, 10) SRS Frost Street North, 11) SRS Genesee, 12) SRS La Mesa, 13) SRS La Mesa Urgent Care, 14) SRS La Mesa West, 15) SRS Mira Mesa, 16) SRS Mount Helix, 17) SRS Murphy Canyon, 18) SRS Otay Ranch, 19) SRS Point Loma, 20) SRS Rancho Bernardo, 21) SRS Rancho Bernardo Urgent Care, 22) SRS San Carlos, 23) SRS Scripps Ranch, 24) SRS San Diego, 25) SRS Sorrento Mesa, and 26) SRS Sorrento Mesa Urgent Care, during the payroll period ending March 11, 2017, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off.

Also eligible to vote are all employees in the unit who have worked an average of four (4) hours or more per week during the 13 weeks immediately preceding the eligibility date for the election.

OTHERS PERMITTED TO VOTE: At this time, no decision has been made regarding whether the classification of Staff Development Specialist RN is included in, or excluded from, the bargaining unit, and individuals in this classification may vote in the election, but their ballots shall be challenged since their eligibility has not been resolved. The eligibility or inclusion of these individuals will be resolved, if necessary, following the election.

EMPLOYEES NOT ELIGIBLE TO VOTE:

Those not eligible to vote are: All lead nurses, nurse practitioners, confidential employees, office clerical employees, other professional employees, managerial employees, guards, and supervisors are defined in the Act.





**United States of America
National Labor Relations Board**



NOTICE OF ELECTION

INSTRUCTIONS TO EMPLOYEES VOTING BY U.S. MAIL

	<p>UNITED STATES OF AMERICA National Labor Relations Board 21-RC-190094</p> <p>OFFICIAL SECRET BALLOT For certain employees of SHARP HEALTHCARE D/B/A SHARP REES-STEALY</p>	
<p>Do you wish to be represented for purposes of collective bargaining by SHARP PROFESSIONAL NURSES NETWORK, UNITED NURSES ASSOCIATIONS OF CALIFORNIA/UNION OF HEALTH CARE PROFESSIONALS, NUHCE, AFSCME, AFL-CIO?</p>		
<p>MARK AN "X" IN THE SQUARE OF YOUR CHOICE</p>		
<p>YES</p> <div data-bbox="470 976 609 1081"><input type="checkbox"/></div>	<p>NO</p> <div data-bbox="1112 976 1250 1081"><input type="checkbox"/></div>	
<p>DO NOT SIGN THIS BALLOT. See enclosed instructions.</p> <p><small>The National Labor Relations Board does not endorse any choice in this election. Any markings that you may see on any sample ballot have not been put there by the National Labor Relations Board.</small></p>		



United States of America
National Labor Relations Board



NOTICE OF ELECTION

INSTRUCTIONS TO EMPLOYEES VOTING BY U.S. MAIL

RIGHTS OF EMPLOYEES - FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union
- Choose representatives to bargain with your employer on your behalf
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities
- In a State where such agreements are permitted, the Union and Employer may enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the Union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the Union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustment).

It is the responsibility of the National Labor Relations Board to protect employees in the exercise of these rights.

The Board wants all eligible voters to be fully informed about their rights under Federal law and wants both Employers and Unions to know what is expected of them when it holds an election.

If agents of either Unions or Employers interfere with your right to a free, fair, and honest election the election can be set aside by the Board. When appropriate, the Board provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with the rights of employees and may result in setting aside of the election:

- Threatening loss of jobs or benefits by an Employer or a Union
- Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises
- An Employer firing employees to discourage or encourage union activity or a Union causing them to be fired to encourage union activity
- Making campaign speeches to assembled groups of employees on company time, where attendance is mandatory, within the 24-hour period before the polls for the election first open or the mail ballots are dispatched in a mail ballot election
- Incitement by either an Employer or a Union of racial or religious prejudice by inflammatory appeals
- Threatening physical force or violence to employees by a Union or an Employer to influence their votes

The National Labor Relations Board protects your right to a free choice.

Improper conduct will not be permitted. All parties are expected to cooperate fully with this Agency in maintaining basic principles of a fair election as required by law.

Anyone with a question about the election may contact the NLRB Office at (213)894-5200 or visit the NLRB website www.nlrb.gov for assistance.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

SHARP HEALTHCARE D/B/A SHARP REES-STEALY

Employer

and

SHARP PROFESSIONAL NURSES NETWORK, UNITED
NURSES ASSOCIATIONS OF CALIFORNIA/UNION OF
HEALTH CARE PROFESSIONALS, NUHHCE, AFSCME,
AFL-CIO

Petitioner

Case No. 21-RC-190094

DATE FILED

12/19/2016

Date Issued 04/11/2017

Type of Election:
(Check one:)

- ☐ Stipulation
☐ Board Direction
☐ Consent Agreement
☒ RD Direction

Incumbent Union (Code)

(If applicable check
either or both:)

- ☐ 8(b) (7)
☒ Mail Ballot

RUNOFF TALLY OF BALLOTS RUNOFF

The undersigned agent of the Regional Director certifies that the results of the tabulation of ballots cast in the election held in the above case, and concluded on the date indicated above, were as follows:

1. Approximate number of eligible voters	288	
2. Number of Void ballots	5	
3. Number of Votes cast for	PETITIONER	84
4. Number of Votes cast for		
5. Number of Votes cast for		
6. Number of Votes cast against participating labor organization(s)		104
7. Number of Valid votes counted (sum of 3, 4, 5, and 6)		188
8. Number of Challenged ballots		40
9. Number of Valid votes counted plus challenged ballots (sum of 7 and 8)		228
10. Challenges are <u>not</u> sufficient in number to affect the results of the election.		
11. A majority of the valid votes counted plus challenged ballots (Item 9) has <u>not</u> been cast for		

For the Regional Director

[Signature]

The undersigned acted as authorized observers in the counting and tabulating of ballots indicated above. We hereby certify that the counting and tabulating were fairly and accurately done, that the secrecy of the ballots was maintained, and that the results were as indicated above. We also acknowledge service of this tally.

For EMPLOYER

[Signature]

For PETITIONER

declined to sign

For

For

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

SHARP HEALTHCARE D/B/A SHARP REES-STEALY
Employer
and

SHARP PROFESSIONAL NURSES NETWORK,
UNITED NURSES ASSOCIATIONS OF CALIFORNIA/
UNION OF HEALTH CARE PROFESSIONALS,
NUHHCE, AFSCME, AFL-CIO
Petitioner

Case No. 21-RC-190094

Date Issued 04/28/2017

TYPE OF ELECTION: (Check one:)

- ☐ Consent Agreement
☐ Stipulation
☐ Board Direction
☒ RD Direction

(Also check box below
where appropriate)

☐ 8(b) (7)

REVISED TALLY OF BALLOTS

(Counting of Challenged Ballots)

The undersigned agent of the Regional Director certifies that the results of counting the challenged ballots directed to be counted by the Stipulation of the Parties on 04/27/2017 and the addition of these ballots to the original Tally of Ballots, executed on 04/11/2017, were as follows:

	Original Tally	Challenged Ballots Counted	Final Tally
Approximate number of eligible voters	288		
Number of Void ballots	5	0	4
Number of Votes cast for PETITIONER	84	18	102
Number of Votes cast for			
Number of Votes cast for			
Number of Votes cast against participating labor organization(s)	104	18	122
Number of Valid votes counted	188		224
Number of undetermined challenged ballots	40		5
Number of Valid votes counted plus challenged ballots	228		229
Number of Sustained challenges (voters ineligible)			0

The remaining undetermined challenged ballots, if any, shown in the Final Tally column are (not) sufficient to affect the results of the election. A majority of the valid votes plus challenged ballots as shown in the Final Tally column has (not) been cast for PETITIONER

For the Regional Director Region 21

[Signature]

The undersigned acted as authorized observers in the counting and tabulating of ballots indicated above. We hereby certify that this counting and tabulating, and the compilation of the Final Tally, were fairly and accurately done, and that the results were as indicated above. We also acknowledge service of this Tally.

For EMPLOYER

[Signature]

For PETITIONER

Refused to sign

For

For

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 21**

**SHARP HEALTHCARE d/b/a
SHARP REES-STEALY**

Employer

and

**SHARP PROFESSIONAL NURSES NETWORK,
UNITED NURSES ASSOCIATIONS OF
CALIFORNIA/UNION OF HEALTH CARE
PROFESSIONALS, NUHHCE, AFSCME, AFL-CIO**

Case 21-RC-190094

Petitioner

TYPE OF ELECTION: RD DIRECTED

CERTIFICATION OF RESULTS OF ELECTION

An election has been conducted under the Board's Rules and Regulations. The Revised Tally of Ballots shows that a collective-bargaining representative has not been selected. Timely objections were filed, but were withdrawn with my approval.

As authorized by the National Labor Relations Board,

It is certified that a majority of the valid ballots has not been cast for any labor organization and that no labor organization is the exclusive representative of the employees in the bargaining unit described below.


Included: All full-time, regular part-time, and per diem Registered Nurses (RN) employed in, or who perform the duties of, the following Registered Nurse classifications: (Primary Care) RN, RN-Triage, GI RN, CT/MRI RN, Ophthalmology RN, UC RN, SHC Health Management RN, Case Manager RN, Diabetes Specialist Educator RN, Cardio RN, and Pacemaker Clinic RN; employed by the Employer at Sharp Rees-Stealy (SRS) operations in San Diego County, including: 1) SRS Administration, 2) SRS Carmel Valley, 3) SRS Chula Vista, 4) SRS Chula Vista Urgent Care, 5) SRS Del Mar, 6) SRS Downtown, 7) SRS Downtown Urgent Care, 8) SRS El Cajon, 9) SRS Frost Street, 10) SRS Frost Street North, 11) SRS Genesee, 12) SRS La Mesa, 13) SRS La Mesa Urgent Care, 14) SRS La Mesa West, 15) SRS Mira Mesa, 16) SRS Mount Helix, 17) SRS Murphy Canyon, 18) SRS Otay Ranch, 19) SRS Point Loma, 20) SRS Rancho Bernardo, 21) SRS Rancho Bernardo Urgent Care, 22) SRS San Carlos, 23) SRS Scripps Ranch, 24) SRS San Diego, 25) SRS Sorrento Mesa, and 26) SRS Sorrento Mesa Urgent Care;

Excluded: All lead nurses, nurse practitioners, confidential employees, office clerical employees, other professional employees, managerial employees, guards, and supervisors are defined in the Act.

However, Staff Development Specialist RN is neither included in nor excluded from the bargaining unit covered by this certification of results, because the Regional Director did not rule on the inclusion or exclusion of Staff Development Specialist RN and ordered them to vote subject to challenge and resolution of their inclusion or exclusion was unnecessary because their ballots were not determinative of the election results.



May 9, 2017



WILLIAM B. COWEN
Regional Director, Region 21
National Labor Relations Board